

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ALABAMA
NORTHWESTERN DIVISION**

**ESURANCE INSURANCE
COMPANY,**

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Plaintiff,

*

v.

3:17-cv-01814-UJH-VEH

*

**CAROLYN HOLCOMB,
THE HEALTH CARE
AUTHORITY**

*

**OF THE CITY OF HUNTSVILLE,
AND THE UNITED STATES AND
ITS AGENCY, THE
DEPARTMENT OF HEALTH
AND HUMAN SERVICES, THE
CENTERS FOR MEDICARE
AND MEDICAID SERVICES,**

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Defendants.

STIPULATION AND ORDER FOR DISMISSAL

COME NOW the Parties, Plaintiff, Esurance Insurance Company (“Esurance”), and Defendants, Carolyn Holcomb (“Holcomb”), The Health Care Authority of the City of Huntsville (“Health Care Authority”), and The United States and Its Agency, The Department of Health and Human Services, The Centers for Medicare and Medicaid Services (“CMS/Medicare”), by and through undersigned

counsel, pursuant to F.R.C.P. 41, and hereby enter into the following stipulations regarding dismissal of this action:

1. Esurance issued a policy of automobile insurance, Policy No. PAAL-003994413 (the "Policy"), which is the subject of a personal injury claim by Defendant Holcomb against Esurance's insured, Susan Lough, that stems from an automobile accident which occurred on September 15, 2016. The Policy has \$100,000.00 in liability coverage limits.

2. Based upon the agreement of all parties as well as the agreement of Optum/United Healthcare Insurance Company, a non-party but which claims an interest in the Policy proceeds, Esurance shall pay the proceeds thereof (the "Policy Proceeds"), to the payees set forth below:

- To CMS/Medicare, \$54,600.14 payable to "Medicare".
- To Optum/UnitedHealthcare, \$4,306.28 payable to "Optum", taxpayer identification number XX-XXX8498.
- To The Healthcare Authority of the City of Huntsville – \$0.00, for The Healthcare Authority of the City of Huntsville represented in its Answer To Interpleader Complaint, (Docs. 20 and 20-1), that it holds no claims nor interest in the funds which are the subject of the instant interpleader action.

- To Carolyn Holcomb and her counsel, \$41,093.58, with W-9 form and payee instructions to be furnished by counsel for Carolyn Holcomb. Said amount represents the balance of the Policy Proceeds.
3. Payment of the Policy Proceeds as outlined above shall be made within thirty (30) days of the entry of this order.
 4. Upon payment of the Policy Proceeds as set forth in Paragraph 1 above, Esurance shall be and hereby is forever and completely discharged and released by Defendants from any and all liability for claims, whether brought or capable of having been brought in this litigation, arising out of or relating in any way to the Policy.
 5. Esurance is dismissed with prejudice and without costs to any party, and all claims, cross-claims, and counterclaims which were or could have been asserted against Esurance are dismissed with prejudice.
 6. All other claims that have or could have been filed by and between any parties in this matter relating to the Policy Proceeds are hereby dismissed, with prejudice, with each party to bear their own costs.

SO ORDERED, THIS _____ DAY OF _____, 2018.

**VIRGINIA E. HOPKINS
UNITED STATES DISTRICT JUDGE**

**NICHOLAS SPARKS INJURY
LAW**

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